

# ARKANSAS SUPREME COURT

No. 06-825

NOT DESIGNATED FOR PUBLICATION

WILLIE G. DAVIS, JR.  
Appellant

v.

STATE OF ARKANSAS  
Appellee

Opinion Delivered

January 25, 2007

*PRO SE* MOTION FOR  
RECONSIDERATION OF DISMISSAL  
OF APPEAL [CIRCUIT COURT OF  
LINCOLN COUNTY, LCV 2006-27,  
HON. ROBERT HOLDEN WYATT, JR.,  
JUDGE]

MOTION DENIED.

## PER CURIAM

Appellant Willie G. Davis, an inmate in the custody of the Arkansas Department of Correction, filed a *pro se* petition for writ of habeas corpus in Lincoln County Circuit Court, which petition was denied. Appellant then lodged an appeal of that order in this court, and filed motions requesting permission to file a belated appellant's brief and permission to file a brief with an extended argument. We dismissed the appeal because it was clear that appellant could not prevail on appeal as appellant failed to raise in his petition a claim upon which a writ of habeas corpus could issue. *Davis v. State*, 06-825 (Ark. Nov. 16, 2006) (*per curiam*). Appellant now brings this *pro se* motion for reconsideration of our decision to dismiss the appeal.

Appellant appears to contend that this court cannot dismiss his appeal and the circuit court must exercise jurisdiction to hear his claims because those claims are based upon federal constitutional law. He includes allegations that Ark. Code Ann. § 16-112-103 (1987) is impermissibly vague because it was divided into two parts and that he did not fully understand the

requirements of that statute. Appellant summarizes his arguments and concludes by indicating that a state may not decline to hear a federal claim without a valid excuse.

However, appellant has already had opportunity to raise his federal constitutional claims at trial or on direct appeal. As we noted in our previous opinion, a habeas corpus proceeding does not afford a prisoner an opportunity to retry his case or to correct errors or irregularities that occurred at trial. *Meny v. Norris*, 340 Ark. 418, 420, 13 S.W.3d 143, 144 (2000).

There is no constitutional right to a postconviction proceeding. *See Engram v. State*, 360 Ark. 140, 200 S.W.3d 367 (2004). Where a state undertakes to provide collateral relief, due process requires that the proceeding be fundamentally fair. *Id.* at 154, 200 S.W.3d at 375 (quoting *Porter v. State*, 339 Ark. 15, 2 S.W.3d 73 (1999)). To the extent that appellant appears to argue that his due process rights were violated because he was denied access to our courts to bring his constitutional arguments, his argument fails because he was provided access at trial and on direct appeal.

Nor are appellant's allegations that the statute was vague simply because it is divided into two parts and he failed to properly construe it sufficient to merit our revisiting our previous decision. Appellant appears to contend that federal jurisdiction is somehow invoked because the statute requires an affidavit or other evidence of illegal detention, in addition to the requirement that a petitioner must plead either facial invalidity of the commitment or the lack of jurisdiction. Appellant does not provide a basis for either how this requirement violates due process or in what way the statute is not clear in its requirement. The authority he cites simply does not support his argument. This court will not consider an argument that presents no citation to authority or convincing argument. *Kelly v. State*, 350 Ark. 238, 85 S.W.3d 893 (2002).

As noted in our previous opinion, appellant's petition did not state claims that would support

issuance of a writ of habeas corpus and appellant failed to raise a claim for relief. Appellant has stated no reason to revisit our previous decision on this issue, and, therefore, we deny his motion for reconsideration.

Motion denied.